

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DONTE L. LOFTON, JR.,

Case No. 2:23-cv-01576-RFB-BNW

Petitioner,

**ORDER**

v.

BRIAN WILLIAMS, et al.,

Respondents.

On December 15, 2023, this Court ordered Petitioner Donte L. Lofton, Jr. to file an application for leave to proceed *in forma pauperis* or pay the \$5.00 filing fee. Further, this Court ordered Lofton to file an amended petition on this Court's § 2254 form. This Court gave Lofton 45 days to comply with both requirements and warned Lofton that failure to timely comply would result in the dismissal of this action without prejudice and without further advance notice. Lofton's 45-day deadline expired on January 29, 2024. To date, Lofton has not filed an *in forma pauperis* application, paid the \$5 filing fee, filed an amended petition, requested an extension of time, or taken any other action to prosecute this case.

**IT IS THEREFORE ORDERED** that Petitioner Donte L. Lofton, Jr.'s Petition for Writ of Habeas Corpus (ECF No. 1-1) is DISMISSED WITHOUT PREJUDICE based on his failure to comply with this Court's December 15, 2023, order (ECF No. 5). Lofton is denied a certificate of appealability, as jurists of reason would not find dismissal of the petition for the reasons stated herein to be debatable or wrong.

1       **IT IS FURTHER ORDERED** that the Clerk of Court (1) file the petition (ECF No. 1-1),  
2 (2) add Nevada Attorney General Aaron D. Ford as counsel for Respondents,<sup>1</sup> (3) informally serve  
3 the Nevada Attorney General with the petition (ECF No. 1-1), this order, and all other filings in  
4 this matter by sending a notice of electronic filing to the Nevada Attorney General's office, (4)  
5 enter final judgment, and (5) close this case.

6       **IT IS FURTHER ORDERED** that Lofton has leave from the Court to file a motion for  
7 reconsideration to reopen this case based upon the assertion of legitimate or equitable reasons for  
8 failing to comply with the Court's order.

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10       **Dated:** February 12, 2024



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13       **RICHARD F. BOULWARE, II**  
14       **UNITED STATES DISTRICT COURT**

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<sup>1</sup>No response is required from Respondents other than to respond to any orders of a reviewing court.